

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	PRELIMINARY ORDER OF
- v. -	:	FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
JOSE TORRES,	:	
	:	S4 14 Cr. 649 (LGS)
Defendant.	:	
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WHEREAS, on or about February 11, 2016, JOSE TORRES (the “Defendant”) was charged in a two-count superseding Information, S4 14 Cr. 649 (LGS) (the “Information”), with participating in a conspiracy to distribute and posses with the intent to distribute narcotics, in violation of Title 21, United States Code, Section 846 (Counts One and Two);

WHEREAS, the Information included a forfeiture allegation as to Counts One and Two of the Information, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offenses charged in Counts One and Two of the Information and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense charged in Counts One and Two of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information;

WHEREAS, on or about February 11, 2016, the Defendant pled guilty to Counts One and Two of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One and Two of the Information and agreed to forfeit to the United States, pursuant to Title 21, United States Code,

Section 853, a sum of money equal to at least \$250,000.00 in United States currency, representing any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense charged in Counts One and Two of the Information and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses charged in Counts One and Two of the Information;

WHEREAS, the Government asserts that \$250,000.00 in United States currency represents the proceeds traceable to offenses charged in Counts One and Two of the Information that the Defendant personally obtained;

WHEREAS, the Government seeks a money judgment in the amount of \$250,000.00 in United States currency, pursuant to Title 21, United States Code, Section 853, representing the proceeds traceable to the offenses charged in Counts One and Two of the Information;

WHEREAS, on or about February 8, 2017, the Defendant made a payment in the amount of \$125,000.00 in United States currency to the Government (the "Payment"); and

WHEREAS, the Court finds that as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Two of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in Counts One and Two of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$250,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to

the offenses charged in Counts One and Two of the Information, shall be entered against the Defendant.

2. Upon entry of the Preliminary Order of Forfeiture/Money Judgment, the Government shall apply the Payment towards the partial satisfaction of the Money Judgment.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, JOSE TORRES, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

4. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Marshals Service and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

5. United States Marshals Service (or its designee) is authorized to deposit the payment on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

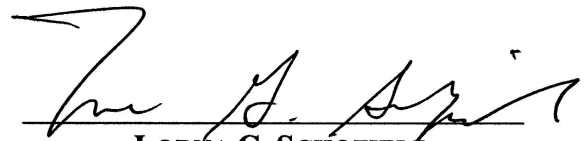
6. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

Dated: New York, New York
June 6, 2023

The Clerk of the Court is directed to terminate the letter motion at docket number 179.



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE